

Lawrence C. Glynn, Esq.

Caruso Glynn, LLC

Attorneys for Plaintiff

Westerly Marina Inc.

242-03 Northern Blvd.

Suite 201

Little Neck, N.Y. 11362

(718) 819-8667

lglynn@carusoglynn.com

File No.: 42.042817.01

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
WESTERLY MARINA INC.,

Case No.:

Plaintiff,

-against-

M/V ACT II, her engines, boilers, etc.,
ANTHONY TROIANO,
CHRISOULA TROIANO and
NATIONAL LIQUIDATORS, INC.,

**VERIFIED
COMPLAINT**

Defendants.

-----x

Plaintiff WESTERLY MARINA INC. ("Plaintiff" or "Westerly") by its, attorneys, **Caruso**

Glynn, LLC, alleges upon information and belief, as follows:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure.
2. At and during the times hereinafter mentioned, plaintiffs had and now have the legal status and principal place of business stated in Schedule "A" attached hereto and by this reference made a part hereof.

3. At and during all the times hereinafter mentioned, defendants had and now have the legal status and offices and places of business stated in Schedule "A".

4. At all times relevant, the *in rem* defendant, *M/V ACT II*, is and was a vessel documented under the laws of the United States as described more fully in Schedule A.

5. Defendant vessel is presently in the possession, custody and control of Plaintiff.

6. Upon information and belief, at and during all the times hereinafter mentioned, defendants ANTHONY TROIANO and CHRISOULA TROIANO (collectively referred to herein as "the Troiano Defendants") were the title holders of the *M/V ACT II*.

7. Upon information and belief, at and during all the times hereinafter mentioned, defendant NATIONAL LIQUIDATORS INC. ("National") was the assignee and/or consignee of the beneficial owner of *M/V ACT II*, and is a real party in interest.

8. Upon information and belief, there exists a Preferred Ship's Mortgage for *M/V ACT II*.

9. The Troiano Defendants have rented dock and drydock space for the *M/V ACT II* at Westerly Marina since 2013.

10. The Troiano Defendants have failed to pay dockage fees and late charges in the amount of \$15,152.23. A copy of their statement of account has been annexed hereto as Exhibit A.

11. Plaintiff has duly performed all duties and obligations on its part to be performed.

12. By reason of the premises, Plaintiff has a valid maritime lien for necessaries pursuant to 46 U.S.C. §31342(a).

13. The *M/V ACT II* is a pleasure craft owned, operated, chartered, sub-chartered, managed and/or otherwise controlled by the defendants and is currently within the district or will be within the district while the action is pending.

WHEREFORE, plaintiff requests:

- (a) That process in due form of law may issue against Defendants citing them to appear and answer all and singular the matters aforesaid;
- (b) That if Defendants cannot be found within this district, then all their property within this District as shall be described in Schedule "A", be attached in the sum of \$15,152.23 with interest thereon and costs, the sum sued for in this Complaint;
- (c) That judgment may be entered in favor of Plaintiff against Defendants for the amount of Plaintiff's damages, together with interest and costs and the disbursements of this action;
- (d) That process in due form of law according to the practice of this Court in causes of admiralty and maritime claims, may issue against said vessels, their engines, etc., and that all persons having or claiming any interest therein be cited to appear and answer under oath, all singular the matters aforesaid, and this Court will be pleased to pronounce judgment in favor of Plaintiff for its damages as aforesaid, with interest, costs and disbursements, and that the said vessels may be condemned and sold to pay therefor, and

(e) That this Court will grant to Plaintiff such other and further relief as may be just and proper.

Dated: Little Neck, New York
April 28, 2017

Yours, etc.,

Caruso Glynn, LLC
Attorneys for Plaintiff
Westerly Marina Inc.

By: Lawrence C. Glynn

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SCHEDULE A

Plaintiff's Legal Status and Office and Place of Business:

1. Westerly Marina Inc. is a corporation existing under and by virtue of the laws of the State of New York with an office and principal place of business located at 7 Westerly Road, Ossining, New York 10562.

Defendants' Legal Status and Office and Place of Business:

2. Defendant, Anthony Troiano is a citizen of the State of New York residing at 25 Knolls Crescent, Unit 7E, Bronx, New York 10463.

3. Defendant, Chrisoula Troiano is a citizen of the State of New York residing at 25 Knolls Crescent, Unit 7E, Bronx, New York 10463.

4. Defendant, National Liquidators, is a corporation or other business entity existing under the laws of a State of the United States with a principal place of business located at 7082 Bembe Beach Road, Suite 200, Annapolis MD 21403.

5. Defendant, *M/V ACT II, in rem*, is a 48 ft Silverton 453 Motor Yacht and is currently located at Westerly Marina, 7 Westerly Road, Ossining, New York 10562.

ATTORNEY'S VERIFICATION

Lawrence C. Glynn, under the penalties of perjury, hereby affirms that I am a member of the law firm of **Caruso Glynn, LLC**, that I have read the foregoing Complaint and know the contents thereof, and that the same is true to my own knowledge except as to matters therein stated to be alleged on information and belief, and that as to those matters, I believe them to be true. The source of my information is based upon the undersigned's communications with the plaintiff and the file maintained by this office.

Dated: Little Neck, New York
April 28, 2017



Lawrence C. Glynn

EXHIBIT A

Westerly Marina Inc.
 7 Westerly Road
 Ossining, N.Y. 10562
 914-941-2203

Statement

Date

4/28/2017

Bill To

ANTHONY TROIANO
 25 KNOLLS CRES # 7E
 BRONX, NY 10463

		Amount Due	Amount Enc.		
		\$15,152.23			
Date	Description	Amount	Balance		
06/01/2015	INV #I102095. Due 06/01/2015. Orig. Amount \$3,758.13.	1,185.36	1,185.36		
07/01/2015	INV #FC 21652. Due 07/01/2015. Orig. Amount \$348.65. Finance Charge	348.65	1,534.01		
08/03/2015	INV #FC 21742. Due 08/03/2015. Orig. Amount \$293.48. Finance Charge	293.48	1,827.49		
09/01/2015	INV #FC 21822. Due 09/01/2015. Orig. Amount \$250.77. Finance Charge	250.77	2,078.26		
09/30/2015	INV #FC 21897. Due 09/30/2015. Orig. Amount \$254.97. Finance Charge	254.97	2,333.23		
10/17/2015	INV #I102878. Due 10/17/2015. Orig. Amount \$2,255.95.	2,255.95	4,589.18		
11/01/2015	INV #FC 21947. Due 11/01/2015. Orig. Amount \$273.54. Finance Charge	273.54	4,862.72		
12/01/2015	INV #FC 22018. Due 12/01/2015. Orig. Amount \$282.41. Finance Charge	282.41	5,145.13		
02/01/2016	INV #FC 22100. Due 02/01/2016. Orig. Amount \$585.38. Finance Charge	585.38	5,730.51		
03/01/2016	INV #FC 22169. Due 03/01/2016. Orig. Amount \$273.82. Finance Charge	273.82	6,004.33		
Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	Over 90 Days Past Due	Amount Due
0.00	242.66	204.16	429.44	14,275.97	\$15,152.23

FINANCE CHGS.ON OVER DUE
 BALANCE 1.5 % PER MONTH

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Statement

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 BRONX, NY 10463

		Amount Due	Amount Enc.		
		\$15,152.23			
Date	Description	Amount	Balance		
04/01/2016	INV #FC 22220. Due 04/01/2016. Orig. Amount \$305.83. Finance Charge	305.83	6,310.16		
05/01/2016	INV #FC 22269. Due 05/01/2016. Orig. Amount \$295.95. Finance Charge	295.95	6,606.11		
05/31/2016	INV #I103580. Due 05/31/2016. Orig. Amount \$3,758.13.	3,758.13	10,364.24		
05/31/2016	INV #FC 22321. Due 05/31/2016. Orig. Amount \$300.47. Finance Charge	300.47	10,664.71		
07/01/2016	INV #FC 22375. Due 07/01/2016. Orig. Amount \$377.07. Finance Charge	377.07	11,041.78		
08/02/2016	INV #FC 22433. Due 08/02/2016. Orig. Amount \$205.82. Finance Charge	205.82	11,247.60		
09/01/2016	INV #FC 22486. Due 09/01/2016. Orig. Amount \$192.96. Finance Charge	192.96	11,440.56		
10/01/2016	INV #FC 22576. Due 10/01/2016. Orig. Amount \$196.01. Finance Charge	196.01	11,636.57		
10/18/2016	INV #I104153. Due 10/18/2016. Orig. Amount \$2,255.95.	2,255.95	13,892.52		
11/01/2016	INV #FC 22628. Due 11/01/2016. Orig. Amount \$177.90. Finance Charge	177.90	14,070.42		
Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	Over 90 Days Past Due	Amount Due
0.00	242.66	204.16	429.44	14,275.97	\$15,152.23

FINANCE CHGS.ON OVER DUE
 BALANCE 1.5 % PER MONTH

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 BRONX, NY 10463

Amount Due	Amount Enc.
\$15,152.23	

Date	Description		Amount	Balance
12/01/2016	INV #FC 22669. Due 12/01/2016. Orig. Amount \$205.55. Finance Charge		205.55	14,275.97
01/31/2017	INV #FC 22739. Due 01/31/2017. Orig. Amount \$429.44. Finance Charge		429.44	14,705.41
03/01/2017	INV #FC 22798. Due 03/01/2017. Orig. Amount \$204.16. Finance Charge		204.16	14,909.57
04/03/2017	INV #FC 22849. Due 04/03/2017. Orig. Amount \$242.66. Finance Charge		242.66	15,152.23
Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	Over 90 Days Past Due
0.00	242.66	204.16	429.44	14,275.97
				Amount Due
				\$15,152.23

FINANCE CHGS.ON OVER DUE
 BALANCE 1.5 % PER MONTH